

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

THIS IS A CAPITAL CASE

ALVIN BERNAL JACKSON

PETITIONER

No. 5:03-CV-00405 SWW

LARRY NORRIS, Director,
Arkansas Department of Correction,

RESPONDENT

ORDER

By order and judgment and decree entered March 23, 2020, the Court granted habeas relief as to the claim that Petitioner is ineligible for the death penalty under *Atkins v. Virginia*, 536 U.S. 304, 122 S. Ct. 2242 (2002). The judgment and decree require that the State reduce Petitioner's sentence to life imprisonment without parole. The State has filed a notice of appeal and moves for a stay of the judgment and decree pending appeal [ECF No. 135]. Petitioner has filed a response [ECF No. 139] stating that he does not oppose a stay pending appeal.

IT IS THEREFORE ORDERED that Petitioner's motion [ECF NO. 135] is GRANTED. The judgment and decree entered on March 23, 2020 is stayed until the United States Court of Appeals for the Eighth Circuit issues its mandate at the conclusion of the appeal of this matter.

IT IS SO ORDERED THIS 26th DAY OF MAY, 2020.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE